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May 3, 2021

BY ECF

Hon. Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: **King v. Fedcap Rehabilitation Services, Inc., et al., 20-Civ-1784 (VSB) (DF)**

Dear Judge Broderick:

We represent the Defendants, Fedcap Rehabilitation Services, Inc. (“Fedcap”) and Wildcat Service Corporation (“Wildcat”) (together, “Defendants”) in the above-identified matter. We write to advise the Court of the status of the parties’ negotiation of a settlement agreement compliant with Your Honor’s Directives in the March 4, 2021 Order.

On April 23, 2021, we sent Plaintiff’s counsel a draft settlement agreement that incorporated elements from the Plaintiff’s proposed version, eliminated any term inconsistent with *Cheeks*, and contained other provisions standard and accepted in such settlement agreements. Plaintiff shared limited edits to Defendants’ proposed agreement on April 28, 2021. After the parties conferred on those limited edits, on April 29, 2021, Defendant accepted most of Plaintiff’s edits and responded to two remaining disputed provisions. On May 2, 2021, Plaintiff’s counsel reversed course: C.K. Lee circulated a draft settlement agreement containing his further edits, in which he wholesale struck nine provisions to which his partner Anne Seelig previously had agreed and made numerous other edits to terms that had already been accepted. Accompanying these last minute substantive changes was an email which stated, *inter alia*, “these revisions are not negotiable.”

To date, Mr. Lee has not been involved in the negotiation of the settlement agreement, and his revisions are inconsistent with the material terms agreed upon by the parties. Moreover, many of the stricken terms are standard and commonly accepted provisions. His drastic and unreasonable edits at the eleventh hour effectively eliminate any hope of reaching a settlement before the Court’s deadline. Therefore, Defendants request a conference.

Hon. Vernon S. Broderick
May 3, 2021
Page 2

Thank you for Your Honor's consideration of this request.

Respectfully,

/s/ Adriana S. Kosovych

Adriana S. Kosovych

cc: Counsel of Record (via ECF)